

Entered - 02/26/04 - sb  
CL04L0123 - DIANNE C. MITCHELL

CLAIM OF: **LYDIA BROWN,**  
through her attorney,  
**David L. Herzog**  
209 South 19<sup>th</sup> Street  
Suite 150  
Omaha, NE 68102

**04-R -1087**

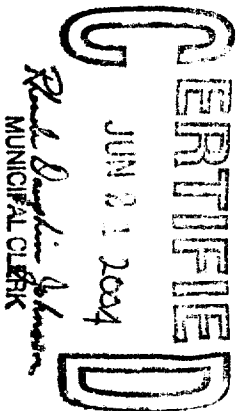
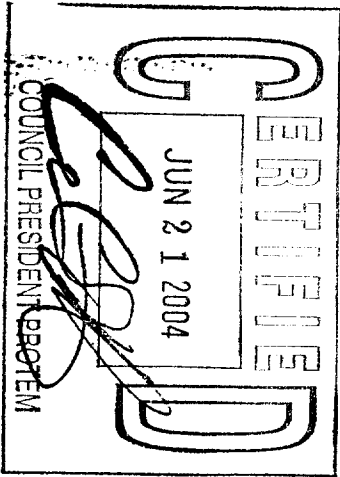
For damages alleged to have been sustained as a result of an injury  
January 2, 2004 at the Hartsfield-Jackson International Airport.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

ADVISED  
CITY COUNCIL JUN 3 1 2004





**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30303  
(404) 330-6033  
FAX (404) 658-6273**

July 1, 2004

David L. Herzog  
Attorney at Law  
209 South 19th Street  
Suite 150  
Omaha, NE 68102

**04-R-1087**

**RE: Lydia Brown**

Dear Attorney Herzog:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 21, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 04L0123

Date: May 28, 2004

Claimant /Victim LYDA BROWN  
BY: (Atty) David L. Herzog  
Address: 209 South 19<sup>th</sup> Street, Suite 150, Omaha, NE 68102  
Subrogation:            Claim for Property damage \$                                  Bodily Injury \$ Not Stated  
Date of Notice: 02/19/04 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 01/02/04 Place: Hartsfield-Jackson International Airport  
Department Aviation Bureau:                                   
Employee involved                                  Disciplinary Action:                                 

NATURE OF CLAIM: The claimant alleges she was injured due to a depression in the floor at the airport. The investigation determined that the area where the incident occurred is under the jurisdiction of the Atlanta Airlines Terminal Corporation and the claim has been forwarded to its insurance carrier, AIG Aviation, for handling.

**INVESTIGATION:**

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report            Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other X Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
**INVESTIGATOR - DIANNE C. MITCHELL**

**RECOMMENDATION:**

Pay \$            Adverse X Account charged: 1A01            2J01            2H01            2P01             
Claims Manager:            Concur/date 06/03/04  
Committee Action:            Council Action

RCS# 5810  
6/21/04  
1:50 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 1-15 EXCEPT 04-O-1110 -1098  
O-1100 O-1109 O-1104 R-1145 R-1144  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	B Mosley	B Willis

CONSENT I

6-21-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1016 2. 04-O-1009 3. 04-O-1117 4. 04-O-0795 5. 04-O-0919 6. 04-O-0914 7. 04-O-1064 8. 04-O-1101 9. 04-O-1118 10. 04-O-0987 11. 04-O-0990 12. 04-O-1116 13. 04-O-0662 14. 04-O-0663 15. 04-O-0664 16. 04-O-1018 17. 04-O-1106 18. 04-O-1112 19. 04-O-1113 20. 04-O-1119 21. 04-O-0785 22. 04-O-1007 23. 04-O-1103 24. 04-R-1022 25. 04-R-1043 26. 04-R-1047 27. 04-R-1020 28. 04-R-1035 29. 04-R-1051 30. 04-R-1052 31. 04-R-1053 32. 04-R-1111 33. 04-R-1056 34. 04-R-1107 35. 04-R-1088 36. 04-R-1092 37. 04-R-1093 38. 04-R-1094 39. 04-R-1095 40. 04-R-1096	41. 04-R-1066 42. 04-R-1067 43. 04-R-1068 44. 04-R-1069 45. 04-R-1070 46. 04-R-1071 47. 04-R-1072 48. 04-R-1073 49. 04-R-1074 50. 04-R-1075 51. 04-R-1076 52. 04-R-1077 53. 04-R-1078 54. 04-R-1079 55. 04-R-1080 56. 04-R-1081 57. 04-R-1082 58. 04-R-1083 59. 04-R-1084 60. 04-R-1085 61. 04-R-1086 62. 04-R-1087 63. 04-R-1089 64. 04-R-1090 65. 04-R-1091